

VALERIAN ALLAIN.

[To accompany Senate bill No. 65.]

MAY 25, 1842.

Mr. MOORE, from the Committee on Private Land Claims, made the following

REPORT:

*The Committee on Private Land Claims, to whom was referred Senate bill No. 65, for the relief of Valerian Allain, report :*

That it appears from the petition of V. Allain, and evidence submitted therewith, that the said Allain, George Dolandes, and Robert Boyd, each purchased from the United States a tract of land containing each 160 acres, under the provisions of the 5th section of the act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri, approved April 12, 1814; which provides, that *every person who actually inhabited and cultivated a tract of land in said State and Territory, not rightfully claimed by any other person*, and who shall not have removed from said State or Territory, *shall be entitled to the right of pre-emption in the purchase thereof*, under the *restrictions, conditions, provisions, &c.*, of an act relative to settlers in the Illinois Territory, approved 5th February, 1813. That act gives the right of pre-emption to every person, or legal representatives of every person, who inhabited and cultivated a tract of land in the Territory, under the same conditions, with a proviso, that *no lands reserved from sale by former acts, or directed to be sold in town lots, should be sold under that act*. It is in evidence, that on the 5th April, 1822, the parties proved the settlement, paid the price, and received certificates of purchase; that surveys of the tracts were made and approved by the principal deputy surveyor of that district, and filed in the land office at New Orleans; that Mr. Allain purchased from Dolandes and Boyd, and established a large cotton plantation thereon. Believing that the location was legal, and that he was the rightful owner, he made costly improvements, and afterwards sold the same in good faith; that afterwards, on a resurvey of the township, the location made as aforesaid is found to cover part of section 16, in township 7, in range 12 east, and is returned on the township map as vacant land. Mr. Allain represents that, should the said land not be confirmed to him, he will be responsible in warranty for heavy damages. The bill reported confirms the claim, and provides for the location of the school land elsewhere.

The 3d section of an act approved 3d March, 1819, explanatory of the act of 12th April, 1814, before cited, authorizes the registers and receivers in the Territory of Missouri to *grant the right of pre-emption to settlers*

*who may have settled on and improved lands reserved for the use of schools before the actual survey of such lands, and who would have had the right of pre-emption under said act, had not the same been reserved.* The provisions of that act did not, however, extend to Louisiana. Although not disposed to disturb or weaken the existing laws reserving school lands, this case presents such strong claims in equity, that, with the foregoing precedent before us, and finding that it has been before recommended for confirmation by report 122 of this committee, in the 26th Congress, 2d session, we are of opinion that the bill ought to pass.

FEBRUARY 12, 1841.

Mr. Dellet, from the Committee on Private Land Claims, to whom was referred the petition of Valerain Allain, reported :

The said petitioner, on the 5th April, 1822, purchased from the United States one hundred and sixty acres of land, by settlement right, situate in the parish of West Baton Rouge, described in a plat of survey drawn by A. B. Sterret, deputy surveyor, and examined and approved by James Allison, principal deputy surveyor of the United States.

It is shown by the certificate of the register of the land office for the eastern district of Louisiana, that, on the 5th day of April, 1822, George Dolandes and Robert Boyd, of the parish of West Baton Rouge, purchased from the United States one hundred and sixty acres of land, each, adjoining the land entered as aforesaid by the said Valerian Allain.

The petitioner states that, subsequent to the entries aforesaid, he purchased of Dolandes and Boyd the land they had purchased of the United States, on which said three tracts of land he opened and improved a cotton plantation, with suitable fixtures and improvements of considerable value, as is shown by proof submitted to the committee.

At the time when the above entries were made by petitioner, Dolandes, and Boyd, there was no official return, in the land office aforesaid, of any survey made by the authority of the United States, exhibiting the location of the above-named tracts of land.

At a later period, a survey having been made under the authority of the United States, it appeared that the aforesaid three tracts of land, of one hundred and sixty acres each, designated by certificates Nos. 17, 18, and 19, fell partly within the sixteenth and seventeenth sections of township seven, of range twelve east.

The petitioner states that he has sold the land so entered as aforesaid, and purchased by him of Dolandes and Boyd, and will be subjected to serious damages unless he is enabled to make title to the same; and prays Congress to confirm his right and title thereto; for which purpose the committee report a bill.